

**IN THE UNITED STATES DISTRICT COURT  
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI  
NORTHERN DIVISION**

**THOMAS HARRISON**

**PETITIONER**

**vs.**

**CIVIL ACTION No.: 3:19-CV-871-HTW-LGI**

**WARDEN WALTER VEREEN**

**RESPONDENT**

**ORDER**

BEFORE THIS COURT is the Report and Recommendation of United States Magistrate Judge Linda R. Anderson. [**Docket no. 19**]. In her Report and Recommendation, filed on December 15, 2020, Magistrate Judge Anderson recommended that the petitioner's Petition for Writ of Habeas Corpus [**Docket no. 1**] be DISMISSED because he failed to exhaust his administrative remedies before filing his petition for writ of *habeas corpus* with this court. Magistrate Judge Anderson directed the *pro se* petitioner to file any objections within fourteen (14) days. The petitioner failed to file any objection to date.

Based upon the findings and recommendation contained in the Report and Recommendation [**Docket no. 12**], this court finds it well-taken. Magistrate Judge Anderson carefully examined petitioner's entire Petition, identified the operative issues and cogent facts and crafted a well-versed Report and Recommendation. Therefore, this court hereby ADOPTS the Report and Recommendation of the Magistrate Judge as the order of this court.

This order, commensurately, hereby **DISMISSES** this lawsuit **WITHOUT PREJUDICE**. The parties are to bear their own costs.

A final order adverse to the petitioner having been filed in the captioned *habeas corpus* case, in which the detention complained of arises out of process issued by a federal court or a proceeding pursuant to 28 U.S.C. § 2254, the court, considering the record in the case and the

requirements of 28 U.S.C. § 2253, Rule 22(b) of the Federal Rules of Appellate Procedure, and Rule 11(a) of the Rules Governing Section 2254 Cases in the United States District Courts, hereby finds that:

A Certificate of Appealability should not issue. The applicant has failed to make a substantial showing of the denial of a constitutional right.

**SO ORDERED AND ADJUDGED this the 10<sup>th</sup> day of March, 2021.**

**s/ HENRY T. WINGATE**  
**UNITED STATES DISTRICT COURT JUDGE**